

FAQs: Canvass

Q: Does the Municipal Clerk need to reside in the municipality in order to serve on MBOC?

A: Yes, the statute refers to the clerk and two other qualified electors of the municipality serving as members of the MBOC.

Q: An appointed clerk cannot serve on the MBOC if not a resident?

A: No.

Q: In February the only race on my ballot is the State Supreme Court Race. I'm assuming I only provide my results to the County and I don't need to enter the results in the Canvass WisVote system for this race?

A: The County is responsible for entering or transmitting official results for the office of Justice to the Commission. The statutory responsibility for reporting results for justice is found in Wis. Stat. § 7.60(5)(a): Immediately following the (county) canvass, the county clerk shall deliver or transmit to the elections commission a certified copy of each statement of the county board of canvassers for . . . justice.

Some counties have an arrangement with their municipalities where the municipality enters unofficial results into the WEC Canvass Reporting System to meet the requirements for posting unofficial election night results. Wis. Stat. § 7.60(1). Only municipalities who have made arrangements with their county to enter results into canvass should enter results into that system.

Q: For small municipalities (less than 500) do they complete FIVE inspector statements and for whom?

A: The municipality retains the original Inspector's Statement (EL-104) and provides copies to the School District Clerk and the County Clerk.

Q: So just to clarify, at the municipal level, the MBOC is only meeting when there is a local level race or referenda? If there is nothing local and no provisional ballots, the municipal MBOC does not meet at all?

A: Yes. Only when there are **municipal** offices or referenda on the ballot.

Q: Would you discuss counting and reporting "scattering" votes? Required? Recommended?

A: The WEC has no official guidance on reporting scattering votes, since the law was changed for counting write-in votes in 2013. Until the Commission provides official guidance on scattering, staff recommends tallying all ballot candidates and countable write-in votes normally, and then putting all remaining votes (those which don't count) under scattering.

Q: So, a MBOC is only required if there are/were provisional ballots?

A: Or if there were municipal contests on the ballot. The MBOC canvasses **every** municipal election. If provisional ballots were issued, the MBOC reconvenes to count them.

Q: If there are no provisional ballots in February, can we hold the MBOC the next day, 2/21? Our County Clerk will need to place ballot order quickly with turnaround time for April.

A: Yes—provided you give proper notice.

Q: What is the notification requirement for the EL-106P?

A: There is no notification requirement for this form. You do have to provide public notice of any meetings of the MBOC.

Q: if the Clerk is not a qualified elector in the municipality, who is the third member of the MBOC? Deputy Clerk?

A: The third member can be any qualified elector of the municipality.

Q: Why does the school district need a copy of the signed poll list?

A: It's a critical component of their canvass process and that of any canvass board

Q: On Election Night if we have Provisional Voters do we only have to post that on our website or do we post that elsewhere?

A: Your website is sufficient.

Q: What is a certified copy of poll list? Is that the signed copy?

A: The election inspectors complete the EL-107c certifying that the original poll list is true and correct: <http://elections.wi.gov/forms-el-107c>. When the poll list is copied, the clerk appends a declaration, signed by the clerk, that the copy is a true and exact copy of the original poll list.

Q: Slide 6 states "Election Inspectors constitute the BOC. Just to clarify, do you consider Election Inspectors and Chief Inspectors are the same or two separate positions?

A: Yes, during the meeting of the Board of Canvassers, they are considered election inspectors.

Q: Do the chief inspector training hours need to be sent to WEC or kept locally?

A: Training is tracked by the municipal clerk.

Q: Is there any reason why we could not put a "these are unofficial results" on the website?

A: Not at all.

Q: In a perfect world, when would the election results be considered final?

A: When the recount period and any subsequent appeal is completed or the deadline passes.

Q: In a municipality with 1 reporting unit, municipal contests on the ballot, no provisional ballots, and the Board of Canvassers meets on Election Night: do minutes of the Canvass meeting need to be taken and provided to the County Clerk?

A: The meeting of the poll workers as the MBOC (a governmental body) requires minutes. Minutes are not required to be sent to the county.

Q: Just to confirm: in a municipality with 1 reporting unit and provisional ballots that were rehabilitated before the Friday deadline, the mini MBOC cannot include a non-resident Municipal Clerk. In this case, 3 election inspectors who reside in the municipality would serve as the mini MBOC, correct?

A: Inspectors are required to be residents of the county. When the inspectors serve as the MBOC on election night, they serve even if they don't live in the municipality because they are the MBOC as well as being inspectors.

When reconvening, it is best to include all the inspectors. If that is not possible, then a "mini" MBOC can be used. The statute directs that the mini MBOC consists of the clerk, chief and an inspector; no other qualifiers are mentioned.

Wis. Stat. 7.53(1)(b) Solely for purposes of the reconvention of a board of canvassers under par. (a) for a specific election, the municipal clerk may determine to replace the members of the board of canvassers with a 3-member board of canvassers consisting of the clerk, the chief inspector, and one other inspector who shall be appointed by the clerk. (*Note: No mention of residency requirements for anybody.*) The statute then goes on to talk about replacing members of the mini MBOC:

...If the municipal clerk is a candidate at the election being canvassed or is unable to serve, the other 2 members shall appoint a qualified elector of the municipality to serve in place of the clerk. (*The two reasons the clerk could not be mini MBOC member is if she is a candidate or if she is unable to serve. The residency qualification is not mentioned as a reason.*) If one of the other members is unable to serve, the municipal clerk shall appoint a qualified elector of the municipality to serve in place of that member.

So, if members of the mini-MBOC must be replaced, the replacements must be from the municipality.

Q: Hypothetical: with the (semi) recent changes in the laws with regard to residency of election inspectors, what would happen if there were not enough election inspectors who reside in the municipality to serve as the Board of Canvassers?

A: When the MBOC consists of the inspectors, and inspectors don't have to be residents of the municipality (only the county), inspectors serving as the MBOC don't have to be residents of the municipality either. If using a mini MBOC to process cured provisional ballots, those 3 members have no municipal residency requirement either. It's only when replacing members of the mini MBOC that municipal residence is required.